IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B.CIVIL WRIT PETITION NO.6278/1997.

Shiv Ram & Ors. VS. State of Raj. & Ors.

06.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.P.S.Sirohi, for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

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In this writ petition, the relief which has been sought is for payment of compensation on account of alleged negligence of the respondents No.2 and 3 in relation to the operation conducted on Smt.Girjesh Kumari wife of the petitioner No.1 and mother of the petitioners No.2 to 5 who died allegedly on account of the said negligence.

In view of the latest pronouncement of the Hon'ble Supreme Court in the case of State of Punjab Vs. Shiv Ram and Others reported in JT 2005(7) SC 606, the matter with regard to medical negligence and consequential payment of compensation has been held to be beyond the purview of Article 226 of the Constitution of India.

In view of the above, this writ petition is not maintainable and is hereby dismissed as such. The petitioner would be free to seek the remedy for compensation under the general law.

The writ petition accordingly stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.